

September 27, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L01P0005**
Proposed Ordinance No. **2001-0434**

MEADOW GLEN ESTATES
Preliminary Plat Application

Location: 38060 Military Road South

Applicant: Ruth and Ward Leenstra, *represented by*
Eric LaBrie
Barghausen Consulting Engineers, Inc.
18215 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222

King County: Department of Development and Environmental Services,
Land Use Services Division, *represented by*
Fereshteh Dehkordi
900 Oakesdale Avenue SW
Renton, WA 98055-1219
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions
Complete Application:	March 23, 2001

EXAMINER PROCEEDINGS:

Hearing Opened:	September 22, 2001
Hearing Closed:	September 22, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Access
- Historic preservation

SUMMARY:

Grant preliminary approval to a proposal to subdivide two acres into nine single-family residential building lots, ranging in size from approximately 4,100 to 10,000 square feet.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **Proposal.** Ward and Ruth Leenstra (“Applicant”), represented by Barghausen Consulting Engineers, Inc., propose to subdivide a two acre parcel located in the 38,000 block of Military Road South into nine single-family residential building lots. With lots sizes ranging 4,100 to 10,000 square feet, the proposed development will achieve a density of 4.5 dwelling units per acre—appropriately within the density range authorized by the R-6 zoning classification within which the property is located.

2. **General information.**

Owner/Developer: Ward and Ruth Leenstra
38060 Military Road South
Auburn, WA 98001

Engineer: Barghausen Consulting Engineers, Inc.
18215 72nd Avenue South
Kent, WA 98001

STR: SW ¼ 34-21N-4E

Location: 38060 Military Road South, Auburn
Zoning: R-6
Acreage: 2 acres
Number of Lots: 9
Density: 4.5
Lot Size: 4100 to 10,000
Proposed Use: Single Family Residential
Sewage Disposal: Lakehaven Utility District
Water Supply: Lakehaven Utility District
Fire District: King County Fire District No. 39

School District: Fife School District No. 417
Complete Application: March 23, 2001

3. **State environmental policy act compliance.** On July 31, 2001, the Department of Development and Environmental Services (“DDES” or “Department”) issued a mitigated threshold determination of non-significance (MDNS) for this proposal. That is, the Department issued its determination that, based on its review of the Applicant’s environmental checklist and numerous other relevant environmental documents, the proposed development would not cause probable significant adverse impacts on the environment *provided* that certain mitigation measures were complied with.

In this case, the mitigating measures required by the MDNS pursuant to the State Environmental Policy Act address historic preservation concerns. Those mitigating measures are stated on pages 2 and 3 of the Department’s preliminary report to the Examiner (exhibit no. 2) and reiterated as recommended final plat approval condition no. 22 on pages 10 and 11 of that same report. The MDNS is incorporated in this hearing record as exhibit no. 5. Finally, the same language is adopted in the decision contained in this Examiner’s report on page 8.

The MDNS specifies historic documentation and site plan requirements. In addition, it requires the Applicant to offer for sale the historic structures of concern (a house and barn) with proper documentation of that action, prior to any demolition or disposal. No person, agency, tribe or other entity appealed the MDNS.

4. **Department’s recommendation.** The department recommends granting preliminary approval to the proposed plat of Meadow Glen Estates subject to the 22 conditions of final plat approval stated on pages 7 through 11 of the Department’s report to the Examiner (exhibit no 2). Those same recommended conditions of final plat approval are restated on pages 4 through 9 of this report.
5. **Applicant’s response.** The Applicant accepts the Department’s recommendation as described in finding no. 4, above.
6. **Public participation.** No person appeared to express interest, concern, support or opposition to the proposed plat.
7. **Department report adopted.** The facts and analysis contained in the Department’s preliminary report (exhibit no. 2) are correct and are incorporated here by this reference. A copy of the Department’s report will be attached to that copy of this report which is retained permanently in the Examiner’s master file.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.

2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Meadow Glen Estates as described by the preliminary plat drawing submitted to the Department of Development and Environmental Services on June 19, 2001 (exhibit no. 7) is GRANTED PRELIMINARY APPROVAL: *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.

- b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
- c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

- 7. The stormwater retention/detention facility shall be designed to the Level 2 Flow Control standard as outlined in the 1998 King County Surface Water Design Manual (KCSWDM).
- 8. An offsite drainage easement shall be obtained for the detention pond outfall pipe. Note that a letter of intent (dated May 21, 2001 was submitted) to grant the easement . The properly executed easement shall be submitted with the engineering plan submittal.
- 9. A 6-inch drainage culvert exists under the first downstream driveway approximately 40 feet offsite. This culvert shall be replaced with the construction of this subdivision. The replacement shall be shown on the engineering plans, with appropriate sizing calculations included in the TIR. Property owner permission is required to replace the pipe at engineering plan submittal. If owner permission cannot be obtained (after good faith effort), then other mitigations may be considered by DDES per Core Requirement 2 of the KCSWDM.
- 10. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. The internal access road shall be improved at a minimum to the urban minor access road standard.
 - b. Tract A shall be improved as a joint use driveway per Section 3.01 of the KCRS.
 - c. Tract D shall be improved as a private access tract per Section 2.09 of the KCRS. Tract D shall be owned by the owners of Lots 5, 7, and 8. The tract shall include a stormwater maintenance access easement to King County for maintenance of the Tract C drainage facility.
 - d. Tract E shall be dedicated as a public pedestrian access with an ingress/egress easement for lot 9. The tract shall be maintained by the homeowners association.
 - e. Road Variance L01V0023 was approved for this subdivision. All conditions for this variance shall be met upon submittal of the engineering plans.
 - f. FRONTAGE: The frontage of the subdivision along the east side of Military Road South shall be improved as a urban principal arterial with provisions for a bike lane.

- g. Twenty feet (20) of additional right-of-way for Military Road South shall be dedicated along the west property line, allowing for fifty feet of right-of-way from centerline.
 - h. Modifications to the above road conditions may be considered according to the variance provisions of Section 1.08 of the KCRS.
- 11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 13. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
- 14. There shall be no direct vehicular access to or from Military Road South from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
- 15. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
- 16. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
- 17. The proposed subdivision was reviewed for the Sensitive Areas Code compliance and found to be exempt from this requirement as outlined in KCC 21A.24.
- 18. A suitable recreation space consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.) is proposed and is shown on the site plan the following shall be provided at the engineering plan review.
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements (including landscaping). The approved engineering plans shall be consistent with the overall conceptual plan.

- b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
19. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and pedestrian tract(s).
20. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning or Pierce County Transit to determine if Military Road South is on a bus route. If it is a bus route, the street tree plan shall also be reviewed by these agencies.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

21. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
22. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval.
 - A. Prior to any site preparation /disturbance, a photographic documentation of the site and its buildings including vegetation's shall be submitted to the King County Office of Cultural Resource (KCOCR). Use of a professional photographer with experience in landscape and architectural photography is recommended. Photographs shall document the following:
 1. Views of the site from each parcel corner, looking toward the center of the property, and any other site views necessary to illustrate the organization and use of the site (orchard, entry road, etc.);
 2. Views of the house and barn taken from each corner and face-on views of primary and secondary facades (front and rear of house, front of barn);
 3. Views illustrating of the interior organization of the barn;
 4. And, at the discretion of the photographer, views of:
 - a. Notable exterior architectural details (gable decorations, window surrounds, etc.) if present; and
 - b. Notable interior architectural features of the house (fireplace mantles and surrounds, balustrades and newel posts, built-in cabinetry, etc.) if present.
 5. Views shall be photographed using both 35 mm color slide film and fine-grained 4X5 black and white film. Black and white negatives and contact sheets shall be provided. The following 8"X10" black and white prints of key views shall be provided:
 - a) Three site views that best illustrate the overall organization of the site, including remaining orchard remnants and native vegetation;
 - b) Two oblique and one front façade view for each building, plus a rear view of the house;
 - c) Up to four views of notable exterior and interior architectural details of the house; and
 - d) Two views illustrating the structural system and interior organization of the barn (ground floor and loft).

- B. A site plan (showing building locations, major vegetation and elevation contours) and floor plans of the floors of each building (showing interior partitions, windows and doors) shall be provided on mylar, vellum or other archivally stable medium. Floor plans shall be drawn at $\frac{1}{4}''=1'$ scale. Typical structural details of the barn shall be provided in the same format in order to document the stud/platform and rafter system.
- C. Brief biographical information on the Swansons and subsequent occupants of the property should be included in a report on the general history of house and site. A description of the type of farming and other uses of the site and the sequence and approximate dates of changes to the house and barn should be included. Research by a professional historic preservation specialist is recommended.
- D. The house and barn shall be advertised for sale (to move to a different location) for a period of at least two weeks in the local paper of record. The buildings shall be offered at a nominal sum and the costs of demolition and disposal of each donated to the purchaser to defray the cost of moving. Prospective purchasers should move the house and/or barn within a period of three months from the final day of advertising. The property owner shall provide access to the house for inspection and structural evaluations by prospective purchasers.

If multiple offers are received, they should be prioritized according to 1) demonstrable ability to complete the move and re-establish the buildings (evidence of a buildable site, financing, permit applications, etc.), 2) proximity of the new site to the current location, and 3) reuse of the barn as well as the house.

Copies of bids for demolition and disposal of the house and/or barn shall be provided to KCOCR to document the amount donated to any move that occurs. A copy of the advertisement, a log of telephone and other contacts with prospective purchasers, and a copy of any purchase and sale agreement shall also be provided. KCOCR shall be informed if the house and/or barn is moved and contact information and the new address(es) should be provided.

- E. All documentation shall be submitted and approved by KCOCR prior to approval of construction drawings. The applicant shall coordinate this effort with KCOCR at the earliest time in order to produce the documents in an acceptable format.

ORDERED this 27th day of September.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 27th day of September, to the parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before October 11, 2001, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before October 18, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MEADOW GLEN ESTATES, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L01P0005

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Fereshteh Dehkordi and Bruce Whittaker. Participating in the hearing and representing the Applicant was Eric LaBrie. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L01P0005
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated September 20, 2001
- Exhibit No. 3 Application dated February 16, 2001
- Exhibit No. 4 Environmental Checklist dated February 6, 2001
- Exhibit No. 5 Mitigated Declaration of Non-significance dated July 31, 2001
- Exhibit No. 6 Affidavit of Posting indicating April 5, 2001 as date of posting and April 6, 2001 as the dated the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Site Plan dated June 19, 2001
- Exhibit No. 8 Assessors Map SE 33-21-04 & SW 34-21-04
- Exhibit No. 9 Level 1 Drainage Report by Barghausen Consulting Engineers, Inc., dated February 2001
- Exhibit No. 10 Conceptual Drainage Plan Received June 19, 2001
- Exhibit No. 11 Wetland Reconnaissance Report by Chad Armour, LLC, dated June 8, 2001
- Exhibit No. 12 Certificate of Transportation Concurrency dated November 16, 2000
- Exhibit No. 13 Road Variance Decision dated July 12, 2001